

PERSONNEL OF THE DEPARTMENT OF DEFENSE,  
AUTHORIZE THE CARRYING OF WEAPONS OUTSIDE  
MILITARY RESERVATIONS  
(DOD 85-115)

DEPARTMENT OF THE NAVY  
Washington 25, D. C.

Dear Mr. Speaker:

There is inclosed a draft of proposed legislation "To authorize military and civilian personnel of the Department of Defense to carry firearms."

This proposal is a part of the Department of Defense Legislative Program for 1957 and the Bureau of the Budget has advised that there would be no objection to the presentation of this proposal for the consideration of the Congress. The Department of the Navy has been designated as the representative of the Department of Defense for this proposal. It is recommended that it be enacted by the Congress.

Purpose of the Legislation

The purpose of this proposal is to confirm authority of military and civilian investigative personnel of the Department of Defense to carry firearms. Carrying of firearms is necessary to provide essential protection to certain personnel in the discharge of their duties.

Limited numbers of authorized military and civilian personnel of the Department of Defense, specially trained and properly designated, have the duty of conducting investigations within the jurisdiction of the Department of Defense in such fields as espionage, sabotage, and subversion. Investigations also are made in connection with major violations of the Uniform Code of Military Justice, such as murder, manslaughter, rape, larceny, robbery, perjury, mayhem, sodomy, arson, mutiny, sedition, extortion, burglary, and certain conduct punishable under Articles 133 and 134 of the Uniform Code of Military Justice, such as smuggling, trafficking in narcotics, blackmarket activities, and violations of customs, postal and currency regulations.

Most of the offenses cited above are felonies which are frequently committed by desperate and dangerous persons. Agents come into direct contact with such persons in the course of these investigations and are often exposed to considerable personal risk. Although they are thoroughly trained in the use of firearms, they are not specifically authorized by law to carry them. The proposed legislation would afford to these agents, under Secretarial regulations, the reasonable protection of firearms which is now provided for agents

in other branches of the Government who have similar duties. (18 U.S.C. 3050, Bureau of Prisons; 3052, FBI; 3053, U. S. Marshals).

It is felt that implied administrative authority already exists to permit the carrying of firearms where there is reasonable necessity therefor in the performance of official duties. The protection of clear legislation is desirable, however, to avoid misunderstandings with local state law enforcement agents. It might be pointed out that similar clarifying legislation has been enacted not only in the case of the Department of Justice, but also as to certain agents of the Departments of State (P. L. 104, 84th Cong.; 69 Stat. 188) and Treasury (18 U.S.C. 3056).

Cost and Budget Data

Enactment of this proposed legislation would cause no increase in budgetary requirements to the Department of Defense.

Sincerely yours,

Honorable

Speaker, House of Representatives

A BILL

To authorize military and civilian personnel of the Department of Defense to carry firearms.

1       Be it enacted by the Senate and House of Representatives  
2       of the United States of America in Congress assembled, That  
3       chapter 203, title 18, United States Code, is amended by adding  
4       a new section as follows:

5       "SEC. 3061. Authority of military and civilian personnel  
6       of the Department of Defense to carry firearms.

7       "Subject to regulations prescribed by the Secretary of  
8       Defense or the appropriate Secretary of a military department,  
9       members of the Armed Forces and civilian employees of the De-  
10      partment of Defense may carry firearms or other appropriate  
11      weapons in the performance of their official duties."

12      SEC. 2. The analysis of chapter 203, title 18, United  
13      States Code, is amended by adding the following item:

14      "3061. Authority of military and civilian personnel of  
15      the Department of Defense to carry firearms."